

2007 SUMMER FOOD SERVICE PROGRAM APPLICATION/AGREEMENT

Part IV – FREE MEAL POLICY STATEMENT
PRICING AND NON-PRICING PROGRAMS

1. Please check your preference:

☐ The agency operates a pricing program

☐ The agency operates a nonpricing program

By signing this statement the local agency assures the Child and Adult Nutrition Services (CANS) office it will uniformly implement the following free meal policy statement in all SFSP sites under its jurisdiction. This policy statement is permanent and remains in effect until it is modified either by the local agency or the state agency.

Local Agency

LA Number

Signature of Authorized Representative

Date

Signature of CANS Staff

Date

The following attachments are included in the agreement and considered part of this Free Meal Policy Statement and are updated annually:

Pricing Programs

Attachment A - Income Eligibility Guidelines

Attachment B - Parent Letter and Eligibility Application (B1/B3 – B4/B5)

Attachment C - Public Release (C1)

Attachment D - Notification of Eligibility

Attachment E - Civil Rights Data Collection

Non-Pricing Programs

Attachment A - Income Eligibility Guidelines

Attachment B - Parent Letter and Eligibility Application (B2/B3 – B4/B5)

Attachment C - Public Release (C2 – C3)

Attachment E - Civil Rights Data Collection

Each local agency participating in the Summer Food Service Program (SFSP) must submit a policy statement in regard to free meal eligibility. This policy statement is permanent and must be maintained in the agency files. If your local agency changes from a pricing to nonpricing or vice versa, a new policy statement must be submitted. If there are significant changes made in the policy due to changes in the regulations, a new policy statement will be completed.

The local agency assures the Child and Adult Nutrition Services (CANS) office it will uniformly implement the following policies in all SFSP sites under its jurisdiction. In fulfilling its responsibilities, the local agency:

2. Assures Child and Adult Nutrition Services that all children at the facilities described on the application forms are served the same meals regardless of race, color, national origin, gender, age, or disability and there is no discrimination in the course of the meal service.
3. Agrees to annually submit to the informational media a public release containing the information specified in Section 226.15(e) of the Child and Adult Care Food Program regulations and included in Attachment C of this policy statement.
4. Agrees to annually collect data by racial/ethnic category on potential eligible beneficiaries for the area served by our local agency and actual beneficiary data. The local agency understands that the collection of this information is strictly for statistical reporting requirements and has no effect on the determination of a child's eligibility to receive benefits under the program. Attachment E must be completed and maintained on file.
5. Agrees to forward all verbal and written complaints of discrimination to Child and Adult Nutrition Services.
6. Agrees to submit to Child and Adult Nutrition Services any alterations to prototypes in Attachments B-D prior to implementation. Such changes will be effective only upon approval. All changes in eligibility criteria must be publicly announced in the same manner as at the beginning of the fiscal year.
7. Agrees to maintain all records pertinent to SFSP reimbursement for 3 years past the current year.
8. Breakfasts, lunches, suppers and supplements will be made available in pricing programs in compliance with 7CFR 225.6 (c)(4)(ii) without cost to all children who are determined under the Summer Food Service Program Local Agency's current approved free meal policy statement to be unable to pay the full price.
9. For pricing programs only, the local agency also:
 - (a) Agrees to serve meals free to children from families whose income meets the current USDA free income eligibility guidelines listed on Attachment A.
 - (b) Agrees to provide meal benefits to any child whose family's income falls within the eligibility criteria, to eligible foster children, and to children whose parents become unemployed if the loss of income causes the family income to be within the eligibility criteria.
 - (c) Agrees that there will be no physical segregation of, or any other discrimination against, any child because of inability to pay the full price of the meal. The names of the children eligible to receive free meals shall not be published, posted, or announced in any manner, and there shall be no overt identification of any such children by use of special tokens or tickets or any other means. Further assurance is given that children eligible for free meals shall not be required to: work for their meals, eat meals at a different time, or eat a meal different from the one sold to children paying the full price.
 - (d) Agrees to establish and use a fair hearing procedure for parents' appeals of the local agency's decisions on free meal applications (meal benefit form or MBF), for local agency related challenges to the accuracy of information contained in the free meal applications (meal benefit form or MBF), or to the continued eligibility of any child for free meals. During the appeal and hearing, the child will continue to receive free meals. A record of all such appeals and challenges and their dispositions shall be retained for 3 years.

Prior to initiating the hearing procedure, the parent or local agency official may request a conference to provide an opportunity for the parent and local agency official to discuss the situation, present information, and obtain an explanation of data submitted in the application and decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing.
 - (e) The hearing procedure shall provide the following:
 - 1) A publicly announced, simple method for making an oral or written request for a hearing.
 - 2) An opportunity to be assisted or represented by an attorney or other person.

- 3) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal.
 - 4) Reasonable promptness and convenience in scheduling a hearing and adequate notice as to the time and place of the hearing.
 - 5) An opportunity to present oral or documentary evidence and arguments supporting its position.
 - 6) An opportunity to question or refute any testimony or other evidence and arguments supporting its position.
 - 7) That the hearing be conducted and the decision made by a hearing official who did not participate in the decision under appeal.
 - 8) That the decision of the hearing official be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record.
 - 9) That the parties concerned and any designated representatives thereof be notified in writing of the decision of the hearing official.
 - 10) That for each hearing a written record be prepared, including the issue under appeal, the documentary evidence, a summary of any oral testimony presented at the hearing, the decision of the hearing official, and the reasons therefor, and a copy of the notification to the parties concerned of the hearing official's decision.
 - 11) That such written record shall be preserved for a period of 3 years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during such a period.
- (f) Agrees to designate a determining official to review the free application forms and make determinations of eligibility. This official will use the criteria outlined in this policy to determine which individual children are eligible for free meals.
- (g) Agrees to develop and send to each child's parent a letter, including a eligibility application form for free meals, at the beginning of each fiscal year and whenever there is a change in eligibility criteria.

Parents will be requested to complete this form and return it to the determining official (named in the Child and Adult Care Food Program Appeal) for review. Such applications and documentation of action taken will be maintained for 3 years after the end of the fiscal year to which they pertain.

Applications may be filled out at any time during the year. Any parent enrolling a child in a center for the first time shall be supplied with such documents. If a child transfers from one center to another under the jurisdiction of the same sponsoring local agency, eligibility for free meals will be transferred to, and honored by, the receiving center.

Within 10 working days after the local agency receives a completed free meals application, it shall notify the parent of acceptance or denial for free meals. The appropriate rates shall be effective immediately after such decision is rendered. All children from a family will receive the same benefits.

When a eligibility application form is rejected, the parent will be informed of the reason for denial and of the hearing procedure. The hearing official must be someone not involved in the original eligibility determination. Further, it is suggested that he/she hold a position superior to that of the determining official.

- (h) Agrees to establish a procedure for collecting payments from parents of children who pay for their meals and to account for the number of paid and free meals served. This collection procedure must prevent overt identification of those children receiving free meals.

10. For nonpricing programs only, the local agency:

- (a) Agrees to serve the same meals at no separate charge, regardless of race, color, national origin, sex, age, or handicap and that there is no discrimination in the course of the food service.
- (b) Agrees to limit the use of free eligibility information concerning individual households to persons directly connected with the administration and enforcement of the Program or other entities allowed by law.